

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**MICHAEL A. PRYOR**

d/b/a APRYOR TRANSPORT LLC

**PLAINTIFF**

**v.**

**CIVIL ACTION NO.: 3:23-cv-309-DMB-JMV**

**CITY OF PONTOTOC POLICE DEPARTMENT et al.**

**DEFENDANTS**

**ORDER WITHDRAWING REPORT AND RECOMMENDATION**

This matter is before the court, *sua sponte*, to withdraw the Report and Recommendation [7] filed on November 8, 2023, in light of the Amended Complaint [10] filed by the plaintiff on November 28, 2023. In the Report and Recommendation, the undersigned recommended dismissal of a number of the defendants and claims; however, Plaintiff's amended complaint no longer alleges claims against any of the previously named defendants, but rather newly names the City of Pontotoc as the sole defendant instead. Accordingly, the Report and Recommendation should be withdrawn as it does not address Plaintiff's amended complaint, which is now the operative complaint.

THEREFORE IT IS ORDERED that the Report and Recommendation [7] filed November 8, 2023, is WITHDRAWN.

**SO ORDERED**, this, the 7th day of December, 2023.

/s/ Jane M. Virden

**UNITED STATES MAGISTRATE JUDGE**